

REMARKS

The foregoing amendments and these remarks are responsive to the Office Action of September 26, 2002. Favorable reconsideration and allowance of the present application is respectfully requested in view of the foregoing amendments and these remarks.

The Office Action begins by objecting to Claims 4-8, 13, 17 and 25 "as being in improper form because a multiple dependent claim shall not serve as a basis for any other multiple dependent claim". This objection has been overcome by canceling Claims 4, 13, 17 and 25, and by amending claims 5-6 and 8, for purposes of clarification, so that they are not multiply dependent. As a result, the presently pending Claims 2, 5-9, 11, 12, 15, 16, 18-24, 26 and 27 do not include any multiply dependent claims that serve as a basis for any other multiply dependent claim.

The Office Action objects to Claims 1, 2, 14 and 15 because Claims 1 and 2 are identical and Claims 14 and 15 are identical. Even though Applicant respectfully disagrees with this objection, it has been overcome by canceling Claims 1 and 14.

Claim 12 is rejected as being indefinite because of its recitation of "preferably". This rejection has been overcome by removing "preferably" from Claim 12, with this deletion having been made for purposes of clarification.

The Office Action rejects Claims 1-3, 9-12, 14, 15 and 26-28 as being anticipated by WO 94/04419 and WO 98/50219. Applicant respectfully disagrees with these rejections. For example, the Office Action indicates that all limitations of the claimed invention are either disclosed or inherent in WO 94/04419 and WO 98/50219; however, it is respectfully submitted that claimed features are not inherently disclosed by WO 94/04419 and WO 98/50219. The burden of showing inherency is upon the Patent Office; however, the Office Action does not make it clear, for example, why the recitation of original Claim 3 that "the plastics material member is substantially uniformly relaxed across its cross-section transverse to the stretching direction" is inherent in the teachings of WO 94/04419 and WO 98/50219. Inherency cannot be based on mere possibilities. Applicant likewise respectfully disagrees with the obviousness rejections presented by the Office Action.

Even though Applicant respectfully disagrees with the rejections, novelty from original Claims 3 and 4, which have been cancelled, has been incorporated into each of the remaining independent Claims 2, 9, 11, 15, 18, 26 and 27 by way of the foregoing amendments. More specifically: Claim 2 has been amended to recite "partially relaxing said stretched plastics material member substantially uniformly across its cross-section transverse to the stretching direction by between 5 and 20% of its total stretched length", Claims 9 and 11 have each been amended to recite "said plastics material member being partially relaxed substantially uniformly across its cross-section transverse to the stretching direction by between 5 and 20% of its total stretched length", Claims 15 and 18 have each been amended to recite "said film being substantially uniformly relaxed across its cross-section transverse to the stretching direction by between 5 and 20% of its total stretched length", and Claims 26 and 27 have each been amended to recite "said film being partially relaxed substantially uniformly across its cross-section transverse to the stretching direction by between 5 and 20% of its total stretched length". The significance of these added recitations can be best understood in view of the fact that the independent Claims 2, 9, 11, 15, 18, 26 and 27 respectively recite one or more of the following capabilities:

- a plastics material member with improved resistance to degradation from UV light radiation (Claim 2),
- a plastics material member with improved resistance to oxygen or other gas transmissivity (Claim 2),
- a plastics material member having a decreased oxygen permeability (Claim 9),
- a plastics material member having an increased resistance to UV degradation (Claim 11),
- wrapping to create an anaerobic atmosphere within a wrapping envelope (Claim 15),
- forming a wrapping envelope with an anaerobic atmosphere therewithin (Claim 18),
- a plastics material film for forming an anaerobic wrapping envelope (Claim 26),
- and
- an anaerobic wrapping envelope including plastics material film (Claim 27).

It is important if one is seeking to provide the aforementioned capabilities to ensure that the capabilities are provided across the full width of the film; otherwise, the value would be

defeated. Accordingly, and as mentioned above, each of the independent Claims 2, 9, 11, 15, 18, 26 and 27 has been amended to at least generally recite "relaxed substantially uniformly across its cross-section transverse to the stretching direction by between 5 and 20% of its total stretched length". There is no need to "relax substantially uniformly across its cross-section transverse to the stretching direction by between 5 and 20% of its total stretched length" if one is not concerned about the aforementioned capabilities respectively of independent Claims 2, 9, 11, 15, 18, 26 and 27.

It is submitted that the prior art references cited by the Office Action do not teach or suggest the aforementioned capabilities respectively of independent Claims 2, 9, 11, 15, 18, 26 and 27. Indeed, Applicant submits that any simple relaxation of a film web after stretching that is taught by the prior art references cited by the Office Action will in practice result in a substantial range of relaxation levels across the transverse width of the film. This substantial range of relaxation levels across the transverse width of the film is of little importance to the usage of the films disclosed in the prior art cited by the Office Action, but it is in significant contrast to (i.e., neither teaches nor suggests) the recitations added to independent Claims 2, 9, 11, 15, 18, 26 and 27.

In an effort to streamline prosecution by assisting the Examiner in quickly understanding some significance of the recitations added to the independent claims, rather than for the purpose of limiting the claims to disclosed embodiment(s) of the present invention, the Applicant directs the Examiner's attention to pages 10 to 14 of the present application, where examples are provided which indicate significant improvements are achieved in the capabilities being sought by relaxing within the range of 5 to 20%.

In further support of the allowability of amended independent Claims 2, 9, 11, 15, 18, 26 and 27, it is submitted that neither WO 98/50219 nor US 5,797,240 (which is related to WO 94/04419) disclose any attempt to ensure that in the relaxation stage, the relaxation occurs uniformly over the entire transverse cross-sectional width. This is in significant contrast to the recitations in amended independent Claims 2, 9, 11, 15, 18, 26 and 27 of "relaxing substantially uniformly across its cross-section transverse to the stretching direction by between 5 and 20% of its total stretched length". Also, US 5,797,240 does not anywhere suggest that its film is relaxed

to within the range of 5 to 20% of the total stretched length of the film. US 5,797,240 only refers to retained tension levels in the film; however, from these levels it might be inferred that the relaxation is substantially beyond the 20% level, which is in contrast to the recitations of the amended independent claims. With regard to the WO 98/50219, reference is made to retaining between 20% to 80% of the film elastic deformation which would suggest that 20 to 80% of the film is relaxed, which is in contrast to the recitations of the amended independent claims.

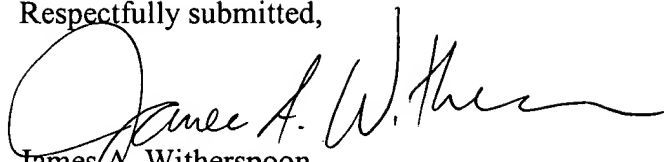
In view of the foregoing, it is respectfully submitted that the independent Claims 2, 9, 11, 15, 18, 26 and 27 are neither taught nor suggested by the known prior art, such that they are in condition for immediately allowance. Likewise, it is respectfully submitted that the dependent Claims 5-8, 12, 16 and 19-24 should be allowed because they depend, either directly or indirectly, from an allowable independent claim, and the dependent claims further patentably distinguish the present invention. In view of the foregoing, it should be readily apparent that all of the pending Claims 2, 5-9, 11, 12, 15, 16, 18-24, 26 and 27 are allowable and the present application is in condition for immediate allowance, and such action is respectfully solicited.

Consideration Of Previously Submitted Information Disclosure Statement

As a final matter, it is noted that, even though the Office Action Summary indicates that a PTO Form 1449 was attached to the Office Action, Applicant's representative has not received an initialed copy of the PTO Form 1449 that was submitted with Applicant's Information Disclosure Statement filed December 20, 2000. Accordingly, it is requested that an initialed copy of the Form 1449 be forwarded to the undersigned with the next communication from the PTO. In order to facilitate review of the references by the Examiner, a copy of the Information Disclosure Statement and the Form 1449 are attached hereto. Copies of the cited references were provided at the time of filing the original Information Disclosure Statement, and, therefore, no additional copies of the references are submitted herewith. Applicants will be pleased to provide additional copies of the references upon the Examiner's request if it proves difficult to locate the original references.

In re: Johnstone
Appl. No.: 09/720,173
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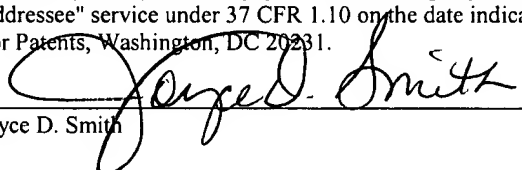
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Version with Markings to Show Changes Made:

Claims 2, 5, 6, 8, 9, 11, 12, 15, 16, 18-20 and 23-27 have been amended as follows:

2. (Amended) A method of forming a plastics material product including providing a plastics material member being a film web, fibre or filament and stretching said member beyond its yield point to decrease its thickness and increase its length, and [at least] partially relaxing said stretched plastics material member substantially uniformly across its cross-section transverse to the stretching direction by between 5 and 20% of its total stretched length to form said product whereby the plastics material member achieves either or both:

- (i) an improved resistance to degradation from UV light radiation, and
- (ii) an improved resistance to oxygen or other gas transmissivity.

5. (Amended) A method according to [anyone of] Claim[s 1 to 3] 2, wherein said stretched plastics material member is relaxed by at least 10% of its total stretched length.

6. (Amended) A method according to [anyone of] Claim[s 1 to 5] 2, wherein after said [at least] partial relaxation, said plastics material member is fixed at said length whereby further relaxation is prevented.

7. A method according to Claim 6, wherein said fixing of the length of said plastics material member is by removal of means through a process such as an annealing process.

8. (Amended) A method according to [anyone of] Claim[s 1 to 7] 2, wherein said plastics material member is a film web and said film is laminated with at least one other film of plastics or other material.

9. (Amended) A plastics material member having a decreased oxygen permeability [and increased resistance to UV degradation], said plastics material member being a film, fibre or filament, stretched beyond its yield point to decrease its thickness and increase its length, said

plastics material member being [at least] partially relaxed substantially uniformly across its cross-section transverse to the stretching direction by between 5 and 20% of its total stretched length.

11. (Amended) A plastics material member having an increased resistance to UV degradation, said plastics material member being a film, fibre or filament, stretched beyond its yield point to decrease its thickness and increase its length, said plastics material member being [at least] partially relaxed substantially uniformly across its cross-section transverse to the stretching direction by between 5 and 20% of its total stretched length.

12. (Amended) A plastics material member according to [anyone of] Claim[s] 9 [to] or Claim 11, wherein the stretched plastics material member is relaxed by at least [5%, preferably] 10%[,] of its total stretched length.

15. (Amended) A method of wrapping a material, object or objects, to create an anaerobic atmosphere within a wrapping envelope, said method including providing [an at least partially] a relaxed plastics material film pre-stretched beyond its yield point to increase its length and decrease its thickness, said film being substantially uniformly relaxed across its cross-section transverse to the stretching direction by between 5 and 20% of its total stretched length, and applying said [pre-stretched] plastics material film to be wrapped in at least one layer with at least sufficient applied further tension to form said wrapping envelope with an anaerobic atmosphere therewithin.

16. (Amended) A method according to [Claims 14 or] Claim 15, wherein the object is a bale of silage making material.

18. (Amended) A method of making silage, including providing a bale of silage making material, forming a wrapping envelope about said bale utilising [an at least] a partially relaxed plastics material film pre-stretched before relaxation beyond its yield point to increase its length

and decrease its thickness, said film being substantially uniformly relaxed across its cross-section transverse to the stretching direction by between 5 and 20% of its total stretched length, and applying said [prestretched] plastics material film to be wrapped in at least one overlapping layer to form said wrapping envelope with an anaerobic atmosphere therewithin.

19. (Amended) A method according to Claim 18, wherein the [of making silage including providing a bale of silage making material, and forming a wrapping envelope about said bale having at least one layer of a pre-stretched plastics material film that has been stretched beyond its yield point to form a film with reduced thickness and increased length, at least partially relaxing said film, and applying said pre-stretched] plastics material film is applied to said bale with at least sufficient tension to form said wrapping envelope with an anaerobic atmosphere therewithin.

20. (Amended) A method according to Claim 19, wherein [of making silage including providing a bale of silage making material, forming a wrapping envelope about said bale utilising a plastics material film that has been first stretched beyond its yield point to increase its length and decrease its thickness and thereafter at least partially relaxed,] said plastics material film [undergoing] undergoes a secondary stretch after being at least partially relaxed, and thereafter applying said plastics material film to be wrapped in at least one layer about said bale to form said wrapping envelope with an anaerobic atmosphere therewithin.

23. (Amended) A method according to [any one of] Claim[s] 20 [to 22], wherein the secondary stretch is beyond the level of [said first stretch] the initial stretching of said film.

24. (Amended) A method according to [any one of] Claim[s] 20 [to 22], wherein the secondary stretch is less than the level of [said first stretch] the initial stretching of said film.

26. (Amended) A plastics material film for forming an anaerobic wrapping envelope that has first been stretched beyond its yield point to increase its length and reduce its thickness,

said film being [at least] partially relaxed substantially uniformly across its cross-section transverse to the stretching direction by between 5 and 20% of its total stretched length.

27. (Amended) An anaerobic wrapping envelope including at least one layer of overlapping plastics material film stretched beyond its yield point to increase its length and reduce its thickness, said film being [at least] partially relaxed substantially uniformly across its cross-section transverse to the stretching direction by between 5 and 20% of its total stretched length before being configured to form said anaerobic wrapping envelope.